

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO.: 1:16-CV-01044-CCE-LPA**

DAVID CLARK, et al.,

Plaintiffs,

v.

DUKE UNIVERSITY, et al.,

Defendants.

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS'
AMENDED COMPLAINT**

Defendants Duke University, the Duke Investment Advisory Committee, Kyle Cavanaugh, Tim Walsh, James S. Roberts, Kenneth C. Morris, Rhonda Brandon, Neal Triplett, and Steve Smith (collectively, "Defendants"), through their undersigned counsel, respectfully request that the Court grant their Motion to Dismiss Plaintiffs' Amended Complaint (the "Motion") pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their Motion, Defendants offer the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint and the Declaration of Kyle Cavanaugh and exhibits thereto, filed simultaneously herewith.

WHEREFORE, for the reasons set forth in the accompanying Memorandum, Defendants respectfully request that the Court dismiss the Amended Complaint in its entirety with prejudice, and grant such other relief as the Court determines is just and appropriate.

Dated: January 17, 2017

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CERTIFICATE OF SERVICE

I hereby certify that on January 17, 2017, I electronically filed the foregoing Motion to Dismiss Plaintiffs' Amended Complaint with the Clerk of Court using the CM/ECF system which will send notification of such filing and effectuate service to all counsel of record in this matter, including:

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